

1 **UNITED STATES DISTRICT COURT**
2 **WESTERN DISTRICT OF PENNSYLVANIA**
3 **JOHNSTOWN DIVISION**

4 **UNITED STATES OF AMERICA,)**
5)
6 **Plaintiff,)** **CASE NO: 3:14-cr-00023**
7)
8 **vs.)**
9)
10 **JOSEPH D. MAURIZIO, JR.,)**
11)
12 **Defendant.)**
13)
14

15 **EXCERPT TRANSCRIPT OF TRIAL PROCEEDINGS**
16 **BEFORE THE HONORABLE KIM R. GIBSON**
17 **SEPTEMBER 21, 2015**

18 **VOLUME VIII**

20 **FOR THE GOVERNMENT:**

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Johnstown, PA 15901

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33 Proceedings reported by stenographer, transcript
34 produced with computer.

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P R O C E E D I N G S

2 (The proceedings convened on September 21, 2015.)

* * * *

THE COURT: All right. Thank you. And we will be
in recess until call of Court.

6 (Recess taken from 2:30 p.m. until 8:08 p.m.)

7 THE COURT: The jury has not entered the courtroom.
8 I received the following request from the jury: "Can we
9 recess for the night. Don't feel we can finish today."

10 So I am obviously going to grant their request. I
11 am going to let them recess for the night, give them their
12 instructions, ask them to come back in tomorrow to the
13 deliberations room by 8:45, and then we will bring them into
14 court, and then we will send them from here back to begin
15 their deliberations again at 9 o'clock. So please be here and
16 in your seats so that we can let them start deliberating again
17 at 9 o'clock a.m.

18 Any comments?

19 MS. LARSON: No, Judge.

20 MR. PASSARELLO: No, Your Honor.

21 THE COURT: All right. Ms. Savino, if you would
22 bring the jury in, please.

After we resolve the jury, then I am going to have
to deal with the alternates, and I am going to ask for some
input from counsel as to whether we need to retain all four at

1 this point or whether we can go with less than that.

2 (The jurors entered the courtroom at 8:10 p.m.,
3 after which the following proceedings were held:)

4 THE COURT: Ladies and gentlemen of the jury, I did
5 receive your request to recess for the night, and with the
6 realization that you have put in a long day already and you
7 can begin your deliberations again in the morning, I will
8 certainly grant that request and send you home for the
9 evening, and we will be in recess.

10 I do need to give you your recess instructions. We
11 are about to stop for the day and recess until 9 o'clock a.m.
12 tomorrow. I want to remind you of the instructions I have
13 given you previously about your conduct as jurors.

14 During this recess and all other recesses do not
15 discuss this case with anyone, including your fellow jurors,
16 other people involved in the trial, members of your family,
17 friends, or anyone else. Do not speak at all with any of the
18 parties, the witnesses, or the attorneys.

19 Do not permit anyone to discuss the case with you.
20 Do not remain in the presence of anyone discussing the case.
21 If anyone approaches you and tries to talk to you about the
22 case, please report that to me through my courtroom staff
23 immediately.

24 There has been news coverage of this case, and I
25 expect that there will continue to be news coverage of the

1 case. Therefore, I direct you not to watch or listen to any
2 news reports concerning this trial on television or radio, and
3 do not read any news accounts of this trial in a newspaper or
4 on the internet.

5 Do not use the internet to search for information
6 about the parties, witnesses, lawyers, or anything else
7 associated with the trial.

8 Do not visit the scene of any alleged offense or
9 conduct any kind of investigation of your own. The only
10 information you are to consider in deciding this case is what
11 you have learned in this courtroom during the trial.

12 You are being entrusted with a great responsibility
13 and being permitted to return to your homes for the evening.
14 I am sure that each of you will make every effort to ensure
15 that none of the restrictions is violated.

16 You must return to the courthouse tomorrow by
17 8:45 a.m. Please report to the deliberations room as you have
18 done each morning. Do not begin deliberating when you get
19 here, however. What we will do is we will make sure everyone
20 is here, we will bring you back into the courtroom, and we
21 will then send you to the deliberations room to begin
22 deliberating. Do not begin deliberations until you have been
23 sent back to the deliberations room at approximately 9 o'clock
24 a.m.

25 I do thank you for your attention and your work

1 today. You have been here about 12 hours now; it's been a
2 full day. We will welcome you back tomorrow, and you can
3 continue with your deliberations.

4 We will be in recess until call of Court, and
5 Ms. Savino will take you back to the deliberations room and
6 then you can proceed to your homes.

7 If any juror is apprehensive about going to his or
8 her car, we do have security people out in the hallway, and if
9 you ask, I'm sure we can arrange to provide some sort of
10 escort for you if you believe you need it. I am not
11 suggesting you do, but if you feel you do, I will try to
12 arrange to have that done.

13 We will be in recess until call of Court.

14 (The jurors exited the courtroom at 8:15 p.m.,
15 after which the following proceedings were held:)

16 THE COURT: The jury has left the courtroom.
17 Before I bring in the alternates, I wanted to inquire of
18 counsel whether you believe we need to retain all four
19 alternates or whether you believe we could only retain two
20 perhaps.

21 Attorney Larson.

22 MS. LARSON: The government is fine just retaining
23 two, Your Honor.

24 MR. PASSARELLO: The defense is fine just retaining
25 two.

1 THE COURT: All right. Then when I call the jurors
2 who are in Seats 13, 14, 15, and 16, I will direct those in
3 Seats 13 and 14 to return tomorrow and report to the jury
4 assembly room. We will bring them in when we bring the jury
5 in, just to confirm that they are present and tell them what
6 the plans for the day will be. I will discharge and release
7 jurors in Seats 15 and 16 this evening. So we will wait for
8 the alternates to come into court and I will tell them that
9 decision.

10 (The alternate jurors entered the courtroom at 8:18
11 p.m., after which the following proceedings were held:)

12 THE COURT: The alternate jurors who are in Seats
13 13, 14, 15, and 16 are now in the courtroom. They have been
14 in the jury assembly room while the jurors have been
15 deliberating.

16 For you four jurors I have sent the jury home.
17 They requested a recess, and will be coming back in the
18 morning at 9 o'clock a.m. I inquired of counsel, and we are
19 in agreement that for tomorrow we only need to retain two of
20 the four alternates. And, therefore, Juror Number 134 in Seat
21 15 and Juror Number 124 in Seat 16 are discharged from further
22 juror duty.

23 I do want to express my appreciation and the
24 appreciation of the court system, and I am sure the parties
25 share that, for your diligent work to this point. Alternates

1 are an intricate part of the jury system, and frequently in my
2 years as a judge I have had to replace jurors with alternates.

3 We selected four alternates for this case because
4 of the length of the trial that was anticipated. Fortunately,
5 we have not had to replace any of the 12 jurors, but I am
6 going to retain the jurors in Seats 13 and 14 in case we do
7 need to replace a juror.

8 So at this time Jurors Number 124 and 134 are
9 discharged, and you may return to your homes and you need not
10 return tomorrow. Thank you again. And if you have personal
11 items, make sure you have access to them.

12 Jurors in Seats 15 and 16 have left the courtroom.
13 As I said, for the jurors in Seats 13 and 14, you will need to
14 return tomorrow, and you will be reporting to the jury
15 assembly room where you were today. If, for some reason, one
16 of the 12 jurors is unable to serve to the time of reaching a
17 verdict, then the two of you may be called upon to replace
18 that juror or jurors, so we do need you here tomorrow.

19 I am going to give you the instructions, as far as
20 a recess, which you have heard before many times.

21 We are about to stop for the day and recess until
22 tomorrow. The jury will return, and you two will also need to
23 return. I want to remind you of the instructions I have given
24 you previously about your conduct as jurors.

25 During this recess and all other recesses do not

1 discuss this case with anyone, including your fellow jurors,
2 other people involved in the trial, members of your family,
3 friends, or anyone else. Do not speak at all with any of the
4 parties, the witnesses, or the attorneys.

5 Do not permit anyone to discuss the case with you.
6 Do not remain in the presence of anyone discussing the case.
7 If anyone does approach you and tries to talk to you about the
8 case, please report that to me through one of my courtroom
9 staff immediately.

10 There has been news coverage of this case, and I
11 would expect that to continue, so do not watch or listen to
12 any news reports concerning this trial on television or radio,
13 and do not read any news accounts of this trial in a newspaper
14 or on the internet. Do not use the internet to search for
15 information about the parties, witnesses, lawyers, or anything
16 else associated with the trial.

17 Do not attempt to conduct any kind of investigation
18 of your own. Remember, the only information you are to
19 consider in deciding this case, in the case where you would
20 replace a juror, is what you learned in this courtroom during
21 the trial.

22 You are being entrusted with a great responsibility
23 in being permitted to return to your homes for the evening,
24 and I am sure that each of you will make every effort to make
25 sure that none of the restrictions is violated.

1 Please return to the courthouse at 8:45 a.m. and
2 report to the jury assembly room. Do not report to the
3 deliberations room because that is where the jury will be
4 reporting.

5 I do thank you for your work during this trial and
6 listening attentively and being prepared to replace a juror if
7 that is necessary. At this point we don't know whether that
8 will be necessary, but tomorrow it is possible that something
9 would occur that you would actually have to become one of the
10 12 jurors who will be deciding the case. So please be here at
11 8:45 a.m. or before, and you will continue your service
12 tomorrow. I do appreciate all your work to this point. We
13 will be in recess until call of Court.

14 (The alternate jurors exited the courtroom at 8:27
15 p.m., after which the following proceedings were held:)

16 THE COURT: The alternates have left the courtroom
17 so there are no jurors or alternate jurors in the courtroom.

18 Are there any issues from the parties that we need
19 to address before we recess for the evening?

20 MS. LARSON: No, Judge.

21 MR. PASSARELLO: No, Your Honor.

22 THE COURT: All right. It has been a full day,
23 approximately 12 hours, and I think the jurors made a good
24 decision in requesting a recess rather than continuing into
25 the late hours of the night. We will begin in the morning

1 and, as I said, before I send the jurors in to actually start
2 deliberating again we will bring them into court here, so you
3 will need to be here no later than about five minutes before
4 nine, and hopefully before that.

5 All right. Well, you all have a nice evening and I
6 will see you all in the morning. We will be in recess.

7 (The proceedings were adjourned at 8:30 p.m.)

8 (Lines 8 through 25 left blank.)

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